IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07/10/2003

CORAM

THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

W.P.No.17793 of 2003

D.Raja .. Petitioner

-Vs-

The Secretary
Regional Transport Authority
Kancheepuram. .. Respondent

PRAYER: Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr.S.Govindraman

For Respondents : Mr.P.Chandrasekar
Spl. Government Pleader

:ORDER

When the petitioner applied for permit to ply his share auto bearing registration No.TN-10-C-1512, the respondent by proceedings dated 26 .4.2002, refused to grant permission on the ground that the petitioner failed to produce relevant documents and also returned the demand draft submitted by the petitioner. Aggrieved by the same, the petitioner filed W.P.No.35628 of 2002, wherein this Court by order dated 29.1 0.2002 directed the respondent to give an opportunity to the petitioner of being heard and pass appropriate orders.

2. Pursuant to the said direction of this Court dated 29.10.2002, the respondent by impugned proceedings dated 11.3.2003 again refused to issue permit to ply the share auto with respect to the vehicle bearing No.TN-10-C-1512. Hence, the petitioner seeks a writ of Certiorarified Mandamus to call for the records of the respondent vide his proceedings in R.No.38381/E3/2002, dated 11.3.2003, to quash the same and to further direct the respondent to issue a share auto permit to the petitioner in respect of the vehicle No.TN-10-C-1512.

3. The only reason stated in the impugned proceedings dated 11.3.200 3 is that there are about 39 share autos already plying within the jurisdiction of the respondent and therefore, the grant of permission to the petitioner would only create traffic congestion.

4. Mr.P.Chandrasekar, learned Special Government Pleader, of course, fairly concedes that permission can be granted for 50 share autos in each district.

5. If that be so, the refusal to consider the case of the petitioner to grant permission to ply the share auto on a hypothetical ground that such grant would create traffic congestion is, in my considered opinion, untenable, as the very concept of the share auto is intended only in the larger public interest to benefit the public for their convenience and comfortable travel. Therefore, I am inclined to quash the impugned proceedings of the respondent dated 11.3.2003 and to direct the respondent to pass appropriate orders in the matter within thirty days from the date of receipt of copy of this order.

This writ petition is ordered accordingly. No costs. Consequently, W.P.M.P.No.22237 of 2003 is closed.

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To:

The Secretary
Regional Transport Authority
Kancheepuram.

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